

Serial No. 10/822,359
Docket No. 2003-0782.02
Response to Non-Final

REMARKS

Claims 1 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Pub. No. 2001/0007458 to Purcell et al. The rejections are respectfully traversed.

As shown in Fig. 2, the Purcell et al. reference discloses an ink jet cartridge 74 having a jet plate 72 containing nozzles and a memory element 78. However, referring to page 2 of the Office action, the Examiner has conceded that "Purcell does not disclose the memory (element 78) containing data pertaining to the nozzles of the array."

Anticipation under § 102(b) is established only if each and every limitation of a patent claim identically appears in a single prior art reference. *See Gechter v. Davidson*, 116 F.3d 1454, 1457 (Fed. Cir. 1997). Inasmuch as the Purcell et al. reference does not disclose a printhead memory located on the printhead and containing data pertaining to the array of nozzles, the Purcell et al. reference cannot, as a matter of law, anticipate the pending claims of the present application.

Accordingly, withdrawal of the rejections of claims 1 and 6 are respectfully requested.

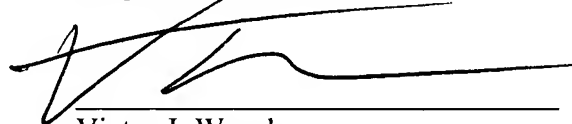
Claims 2-5, 7-11 and 13-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Purcell et al. reference in view of U.S. Patent No. 6,517,184 to Bruch et al. It is submitted that claims 2-5, 7-11 and 13-15 are dependent upon allowable base claims. Therefore, applicants respectfully request withdrawal of the rejections of claims 2-5, 7-11 and 13-15.

Accordingly, it is submitted that the application is in condition for allowance and formal notice thereof is respectfully requested.

Serial No. 10/822,359
Docket No. 2003-0782.02
Response to Non-Final

Applicants hereby authorize the Commissioner under 37 C.F.R. § 1.136(a)(3) to treat any paper that is filed in this application, which requires an extension of time, as incorporating a request for such an extension. The Commissioner is authorized to charge any additional fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Victor J. Wasylyna', is written over a horizontal line.

Victor J. Wasylyna
Reg. No. 52,345

THOMPSON HINE LLP
P.O. Box 8801
Dayton, Ohio 45401-8801
PH (937) 443-6812
E-mail: IPGroup@ThompsonHine.com

467028.1